

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FEIN, SUCH, KAHN & SHEPARD, P.C.**  
Counsellors at Law  
7 Century Drive - Suite 201  
Parsippany, New Jersey 07054  
(973) 538-9300  
Attorneys for Movant  
TOWNE MORTGAGE COMPANY  
R.A. LEBRON, ESQ.  
XTWNJ001  
bankruptcy@fskslaw.com

In Re:

JAMES LATORRACA

Debtor(s) .



Order Filed on March 29, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-26829 MBK

Chapter: 13

Hearing Date: March 10, 2021

Judge: Honorable Michael B.  
Kaplan, Chief Judge

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

**DATED: March 29, 2021**

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant:	TOWNE MORTGAGE COMPANY
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	JAMES J. CERBONE, ESQ.
Property Involved (Collateral")	1754 INWOOD PLACE FORKED RIVER, NJ 08731

Relief sought:        ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 5 months, from November, 2020 to March, 2021.
- ☒ The Debtor is overdue for 2 payments at \$1,940.80 for November, 2020 to December, 2020 and 3 payments at \$1,951.70 for January, 2021 to March, 2021 with \$1,829.92 in suspense.
- ☐ The Debtor is assessed for N/A late charges at N/A per month.
- ☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$7,906.78.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$3,903.40. Payment shall be made no later than March 31, 2021.
- ☒ Beginning on April 1, 2021, regular monthly mortgage payments shall continue to be made in the amount of \$1,951.70.
- ☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$4,003.38 shall be capitalized in the Debtor's Chapter 13 plan. The Debtor must file a modified plan and budget within 7 days.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Towne Mortgage Company  
P.O. Box 33662  
Detroit, MI 48232-5662

☒ Regular monthly payment: Towne Mortgage Company  
P.O. Box 33662  
Detroit, MI 48232-5662

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$650.00, and costs of \$188.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.